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Third Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: April 1, 2020

Subject: City Measures to Address COVID-19 – Firearms Retailers

On March 14, 2020, I issued a Proclamation of Local Emergency in relation to the arrival of the COVID-19 virus in our community. Since that time, I have ordered a number of additional measures to be taken across the City to protect the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we will do over the next few days and weeks will affect how well we weather this emergency.

On March 16, 2020, under the authority of Culver City Municipal Code (CCMC) Section 3.09.020, I, as the Director of Emergency Services, issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19 (March 16 Order). The March 16 Order included, among other things, (1) a series of temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity; and (2) a moratorium on residential evictions resulting from a tenant's inability to pay rent due to circumstances related to the COVID-19 pandemic.

Since that time, supplemental orders have been issued by the State of California and the Los Angeles County Department of Public Health on March 19, 2020, as well as a number of our neighboring communities, including the City of Los Angeles.

On March 20, 2020, under the authority of CCMC section 3.09.020, as the Director of Emergency Services, I issued a First Supplement to Public Order enacting further City measures to protect members of the public and City workers from undue risk of COVID-19 (March 20 Order). The March 20 Order was enacted after the City of Los Angeles and Los Angeles County Department of Public Health issued similar public orders. The March 20 Order issued, and incorporated by reference, any and all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020.

Also March 19, 2020, the Governor issued Executive Order N-33-20, which, among other things, ordered all persons in the state of California to stay home at their place of residence "except as needed to maintain continuity of operations of the federal critical infrastructure sectors", as outlined by the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency (CISA). In accordance with Executive

Order N-33-20, the State Public Health Officer designated a list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

The Governor's March 19 Executive Order N-33-20, both the Los Angeles County and City of Los Angeles Safer at Home orders, as well as the Public Health Officer's "Essential Critical Infrastructure Workers" designation, were all silent as to the classification of firearms retailers.

On March 28, 2020, CISA issued an Advisory Memorandum on "Identification of Essential Critical Infrastructure Workers During COVID-19 Response" (Memorandum). The Memorandum was issued along with the March 28, 2020 "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 response" (Guidance). The Guidance, under "Law Enforcement, Public Safety and other First Responders", includes "workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges" in the list of essential critical infrastructure workers.

Subsequent to the CISA Guidance, on March 30, 2020, Los Angeles County Sheriff Villanueva issued a statement entitled "Federal Clarity Regarding Essential Businesses (Firearms Retailers)". In the statement, the Sheriff opined that while the CISA Guidance was advisory in nature, "nonetheless the federal memorandum is persuasive given the national scope..." Sheriff Villanueva continued, "based on this further input from the federal government, the Los Angeles County Sheriff's Department will not order or recommend closure of businesses that sell or repair firearms or sell ammunition" and will report improper health practices such as poor sanitation or failure to maintain social distancing to the District Attorney.

By virtue of authority vested in me as the Director of Emergency Services pursuant to the provisions of Culver City Municipal Code Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, April 1, 2020 until April 19, 2020 at 11:59 p.m., the following:

1. Consistent with the CISA Guidance and the County of Los Angeles' current positions regarding the inclusion of firearms retailers as part of the essential critical infrastructure, my March 20 Order is hereby clarified to allow firearms retailers in Culver City to conduct business, including new sales and transfers, during the COVID-19 local emergency.
2. All firearms retailers that choose to conduct business shall comply with the strict social distancing, infection control and health and safety measures dictated by the County of Los Angeles Department of Public Health and my March 20 Order.

3. Additional social distancing, infection control and health and safety measures may be imposed at any time, in my sole discretion, in order to ensure the protection of life and property.

Any violation of the above prohibitions may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This order may be extended prior to April 19, 2020.

Date: 4/1/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City

